

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2002-0607-011-021

vs.

Katrina Howard, LPN, Lic. No. 027561
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated August 15, 2002. Dept. Exh. 2. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Katrina Howard (hereinafter "respondent") which would subject respondent's licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On September 4, 2002, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent's licensed practical nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1A.

The Board issued a Notice of Hearing dated September 4, 2002, scheduling a hearing for September 18, 2002. Dept. Exh. 1A.

Respondent was provided notice of the hearing and charges against her. The Summary Suspension Order, Notice of Hearing and Statement of Charges were delivered by certified mail to respondent on September 6, 2002 and served on respondent by State Marshal on September 13, 2002.

The hearing took place on September 18, 2002, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, September 18, 2002, pp. 2.

Respondent did not file an Answer to the Statement of Charges. During the hearing, the Department filed a Motion to Deem Allegations Admitted. The Board granted the Department's Motion. Transcript, September 18, 2002, pp. 3-4.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 027561 on August 4, 1999. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 2B.
2. Pursuant to a Consent Order dated March 6, 2002, the Board ordered that respondent's licensed practical nurse license be placed on probation for a period of four years. Such disciplinary action was based upon respondent's admitted diversions of Percocet and Vicodin, for her own personal use, while working as a licensed practical nurse during 2001. Said Order specifically provided that respondent shall submit to random alcohol/drug screens that shall be negative for the presence of alcohol and drugs, that respondent attend therapy, and that respondent cause therapist and employer reports to be submitted to the Department of Public Health. Dept. Exh. 2A.
3. Respondent has not submitted to random urine screening and has not caused reports to be submitted to the Department of Public Health as required by the March 6, 2002 Consent Order. Respondent notified the Department on June 5, 2002, that she was unable to comply with the terms of the Consent Order. Dept. Exh. 2A

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Katrina Howard held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* § 4-177(a) and (b), and § 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as § 19a-9-1 through § 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The Statement of Charges alleges that respondent has not complied with the terms of probation of her licensed practical nurse license as set forth in a Consent Order dated March 6, 2002.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies, the Board deems the allegations in the Statement of Charges to be admitted.

Based on its findings, the Board concludes that respondent's conduct as alleged in the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated March 6, 2002. Therefore, respondent's licensed practical nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. § 19a-17*.

Order

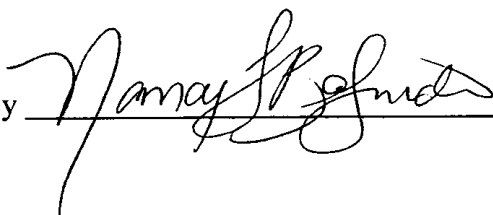
Pursuant to its authority under *Conn. Gen. Stat. § 19a-17* and § 20-99, the Board of Examiners for Nursing hereby orders the following:

Respondent's licensed practical nurse license number 027561, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Katrina Howard, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 19th day of March 2003.

BOARD OF EXAMINERS FOR NURSING

By  _____

CERTIFICATION

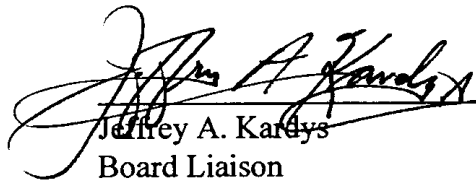
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 20th day of March 2003, by certified mail, return receipt requested, and first class mail to:

Katrina Howard
57 Skyline Drive, Unit B
Uncasville, CT 06382

Certified Mail RRR #70993400000855588548

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Board Liaison
Department of Public Health
Public Health Hearing Office